



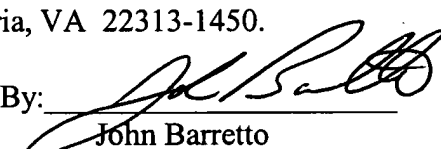
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10  
MP  
10/22/03

Re Application of: Nicolau, Y.C. et al.	
Serial No: 10/069,414	Attorney Docket No.: <b>GMX-003.01</b>
Filed: August 19, 2002	Examiner: Qazi, Sabiha Naim
For: <i>Enhanced Oxygen Delivery in Mammals, Methods and Reagents Related Thereto</i>	Group Art Unit: 1616

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
OCT 14 2003  
TECH CENTER 1600/1600

Certificate of Mailing	
I hereby certify that this "Response to Restriction Requirement" is being deposited with the U. S. Postal Service as First Class Mail with sufficient postage on the date set forth below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
9-30-03	By: 
Date of Signature and Mail Deposit	John Barretto

***Response to Restriction Requirement***

Dear Examiner Qazi:

In response to the Restriction Requirement in the above-identified application, mailed July 30, 2003, the Applicants respectfully elect **Group I**, claims 1-10. However, the Applicants respectfully assert that simultaneous examination of Groups I and II (claims 11-43) would not place an undue burden on the Examiner because the Inventions are related as compositions containing a cationic lipophilic, water-soluble molecule, and an anionic ligand for a cellular receptor. See MPEP § 803 ("If the search and examination of an entire application can be made without serious burden, the [E]xaminer must examine it on the merits, even though it includes claims to independent or distinct inventions."). Therefore, the Applicants respectfully request that the Examiner modify

the instant Restriction Requirement, examining Groups I and II, i.e., claims 1-43, in the instant application.

*Election of Species for Search Purposes*

The Applicants respectfully elect the Species wherein the cationic, lipophilic, water-soluble molecule is BGTC (See page 18 of Specification for definition) and the anionic ligand for a cellular receptor is inositol hexaphosphate. Claims 1-43 read on the elected Species.

Of course, the elections of Species made herein are made solely for search purposes. The Applicants expressly reserve the right to prosecute species not elected herein in other patent applications claiming the benefit of the filing date of this application. Furthermore, the Applicants understand that upon allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim. See 37 CFR 1.141.

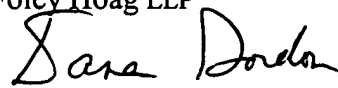
**Conclusion**

The Applicants believe that they have responded fully to the Office communication dated July 30, 2003. However, if a telephone conversation with Applicant's Attorney would expedite prosecution of the above-identified application, the Examiner is urged to contact the undersigned.

155 Seaport Boulevard  
Boston, MA 02210  
Telephone: (617) 832-1000  
Telecopier: (617) 832-7000

Date: 9/30/03

Respectfully submitted,  
Foley Hoag LLP

By: 

Dana M. Gordon, PhD  
Reg. No. 44,719  
Attorney for Applicants